

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
TETSUHITO IKEDA) : Examiner: G. Garcia
Application No.: 10/780,630) : Group Art Unit: 2625
Filed: February 19, 2004) :
For: STORAGE MEDIA CONTROL)
CIRCUIT AND APPARATUS :
INCLUDING SAME) : November 7, 2008

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicant herein has reviewed the Examiner's Statement of Reasons For Allowance for the above-identified application, as stated in the Notice of Allowability dated October 24, 2008.

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104(e). In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner

is necessary or warranted. Thus, the record should reflect that Applicant does not necessarily agree with the Examiner's Reasons For Allowance.

For example, the Reasons For Allowance are not seen to apply to independent Claims 1 and 8, since these claims do not track the specific language cited by the Examiner. Accordingly, it is Applicant's understanding that Claims 1 and 8 were allowed based on the claimed subject matter thereof, when considered as a whole. On the other hand, if the Examiner did, in fact, intend for the Reasons For Allowance to apply to Claims 1 and 8, then he is respectfully encouraged to state such for the record.

Additionally, the Notice of Allowability indicates that Claims 1, 3 to 6, 8, 9 and 11 are allowed. However, Claim 11 was canceled in the Amendment dated July 15, 2008, and Claim 12 was added. Accordingly, it is Applicant's understanding that this is merely a typographical error, and that the Examiner intended to indicate that Claims 1, 3 to 6, 8, 9 and 12 are allowed.

Pursuant to 1247 O.G. 111 entitled "Clarification of 37 C.F.R. § 1.704(c)(10) - Reduction of Patent Term Adjustment For Certain Types of Papers Filed After a Notice Of Allowance Has Been Mailed", this paper is not considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application, and Applicant should not be penalized for term adjustment even though this paper is filed after allowance.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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